

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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JUL 18 1997

In the Matter of )

Advanced Television Systems )  
and Their Impact Upon the )  
Existing Television Broadcast )  
Service )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

87-268  
MM Docket No. 87-628

TO: The Commission

TRIBUNE COMPANY'S OPPOSITION TO  
IMS BROADCASTING, LLC'S  
PETITION FOR RECONSIDERATION

Tribune Company ("Tribune"), the ultimate corporate parent of WXIN(TV), Indianapolis, Indiana, hereby files this Opposition to the Petition for Reconsideration filed by IMS Broadcasting, LLC ("IMS") on June 13, 1997.

IMS is the licensee of WNDY, NTSC channel 23 assigned to Marion, Indiana. WNDY is licensed to operate from a site approximately 51 kilometers southwest of the reference point for its city of license, Marion, and 46 kilometers north-northeast of the reference point for Indianapolis. The station operates with a directional antenna system ("DA") having a maximum visual effective radiated power ("ERP") of 5000 kilowatts and an antenna height above average terrain ("HAAT") of 295 meters. As specified in the Sixth Report and Order, FCC 97-115, released

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April 21, 1997 ("Sixth Report & Order"), the Commission assumed the use of an NTSC stations' transmitter site and antenna HAAT in assigning DTV channel. Pursuant to this procedure, the Commission assigned DTV channel 32 to WNDY with a DA, a maximum ERP of 249.7 kilowatts and an antenna HAAT of 295 meters.

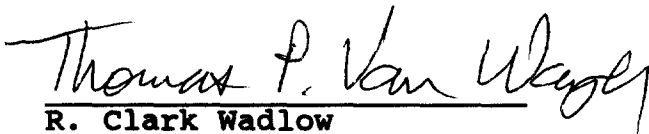
IMS requests that the Commission reconsider its DTV allotment to WNDY, proposing a new allotment not based on the coordinates of its current NTSC operation but rather on the coordinates of the towers of television stations licensed to serve Indianapolis, Indiana. As demonstrated more fully in the attached engineering statement, IMS's proposed change in WNDY's tower coordinates would cause WNDY to fail to serve properly its city of license, Marion, Indiana.

In its petition, IMS did not request changes to its assigned DTV power, height, and antenna pattern information as provided in the Sixth Report & Order. Therefore, a DTV ERP and antenna HAAT similar to those specified by the Commission for WNDY's present DTV site (250 kilowatts and 297 meters, respectively) have been assumed. Based on these specifications, the 41 dBu noise limited f(50,90) contour for WNDY at its proposed site would not encompass Marion, its principal community, in contravention of the Commission's rules. See Technical Statement ("Attachment 1") at 1-2. Even if WNDY were able to relocate at its proposed site with an antenna height comparable to the other stations in the Indianapolis area, it is

far from certain whether it could meet the Commission's requirement that it have an unobstructed path into its principal city. Thus, even with an assumed antenna HAAT of 297 meters, WNDY does not achieve a line-of-site path from its proposed site into Marion. Attachment 1 at 2-3. Additionally, IMS has provided neither exhibits concerning interference caused or received from its proposed site nor exhibits concerning its replication abilities from its proposed site as compared to its present site.

For the foregoing reasons, IMS's Petition for Reconsideration, including its proposal to relocate its transmitter site closer to Indianapolis, Indiana, should be denied. Tribune hereby reserves the right to supplement this Opposition to the extent that Trinity supplements its Petition following the recent release of OET No. 69. See Advanced Television Systems and Their Impact Upon the Existing Television Broadcasting Service, Order, MM Docket No. 97-268, released July 2, 1997.

Respectfully submitted,

  
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Its Attorneys

DATED: July 18, 1997

TECHNICAL STATEMENT  
SUPPORTING AN OPPOSITION TO THE  
PETITION FOR RECONSIDERATION  
FILED BY IMS BROADCASTING, LLC

This Technical Statement supports an opposition from Tribune Broadcasting Company (Tribune) to the petition for reconsideration filed by IMS Broadcasting, LLC (IMS). Tribune is the licensee of television (TV) station WXIN on analog channel 59 at Indianapolis, Indiana. IMS is the licensee of station WNDY-TV on analog channel 23 at Marion, Indiana. The Federal Communications Commission (FCC) allotted channel 32 to WNDY-TV as its digital television (DTV) assignment in the Sixth Report and Order (6<sup>th</sup> R&O) in Mass Media (MM) Docket No. 87-268. The WNDY-TV petition for reconsideration requests that its DTV allotment not be based on the site of its current analog operation, but rather near the towers of TV stations licensed to Indianapolis.

According to the FCC's TV database, station WNDY-TV is licensed to operate from a site approximately 51 kilometers southwest of the reference point for its principal city, Marion, and 46 kilometers north-northeast of the Indianapolis reference point. The station operates with a directional antenna (DA) system having a maximum visual effective radiated power (ERP) of 5000 kilowatts (kW). The antenna height above average terrain (HAAT) is 295 meters. In order to replicate existing coverage, the FCC used the existing transmitter site and antenna HAAT in assigning DTV channels. It assigned channel 32 as WNDY-TV's DTV allotment with a maximum DA ERP of

IMS Broadcasting, LLC  
Page 2 of 3

249.7 kW at the current site with an antenna HAAT of 295 meters.

In the petition for reconsideration WNDY-TV requests that its channel 32 DTV allotment be based on a site near Indianapolis station WHMB-TV (39-53-45, 86-12-30). This location is 36.4 kilometers southwest of the present WNDY-TV site. It is 87 kilometers southwest of the reference point for the principal city (Marion) and 15 kilometers north-northeast of the Indianapolis reference point. Station WNDY-TV did not provide specific power, height, and antenna pattern information for its proposed site. Therefore, a DTV ERP and antenna HAAT similar to those specified by the FCC have been assumed (250 kW, 297 meters).

Figure 1 is a map showing the 41 dBu noise limited f(50,90) contour for the assumed WNDY-TV operation at its proposed site. As shown, the contour will not encompass the principal community in contravention of the FCC rules. Our calculations indicate a DTV ERP of about 640 kW would be required to place the 41 dBu noise limited contour over Marion.

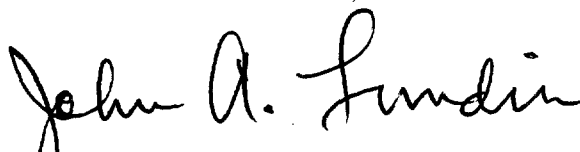
Even if WNDY-TV were able to locate at its proposed site with an antenna height comparable to the other stations in the area, it is questionable whether the FCC's requirement for a clear, unobstructed path into the principal city can be achieved. Figure 2 is a terrain profile graph based on use of a 3 second digitized terrain database. An antenna radiation center of 1805 feet (550 meters) above mean sea level has been assumed. This is comparable to other stations in the area,

IMS Broadcasting, LLC  
Page 3 of 3

shown, a line-of-sight path does not obtain from WNDY-TV's proposed site into the principal city of Marion.

The petitioner provided no showings concerning interference caused or received from its proposed site. Nor did it provide any exhibits concerning coverage from its proposed site as compared to its present site (ie, replication of existing service, gains versus losses).

In summary, WNDY-TV's DTV allotment on channel 32 should not be based on its proposed location near WHMB-TV at Indianapolis. Not only has the petitioner not provided sufficient information on which to evaluate such a request, it is doubtful that FCC required principal city coverage can be maintained. If there are questions concerning this Technical Statement, please contact the office of the undersigned.

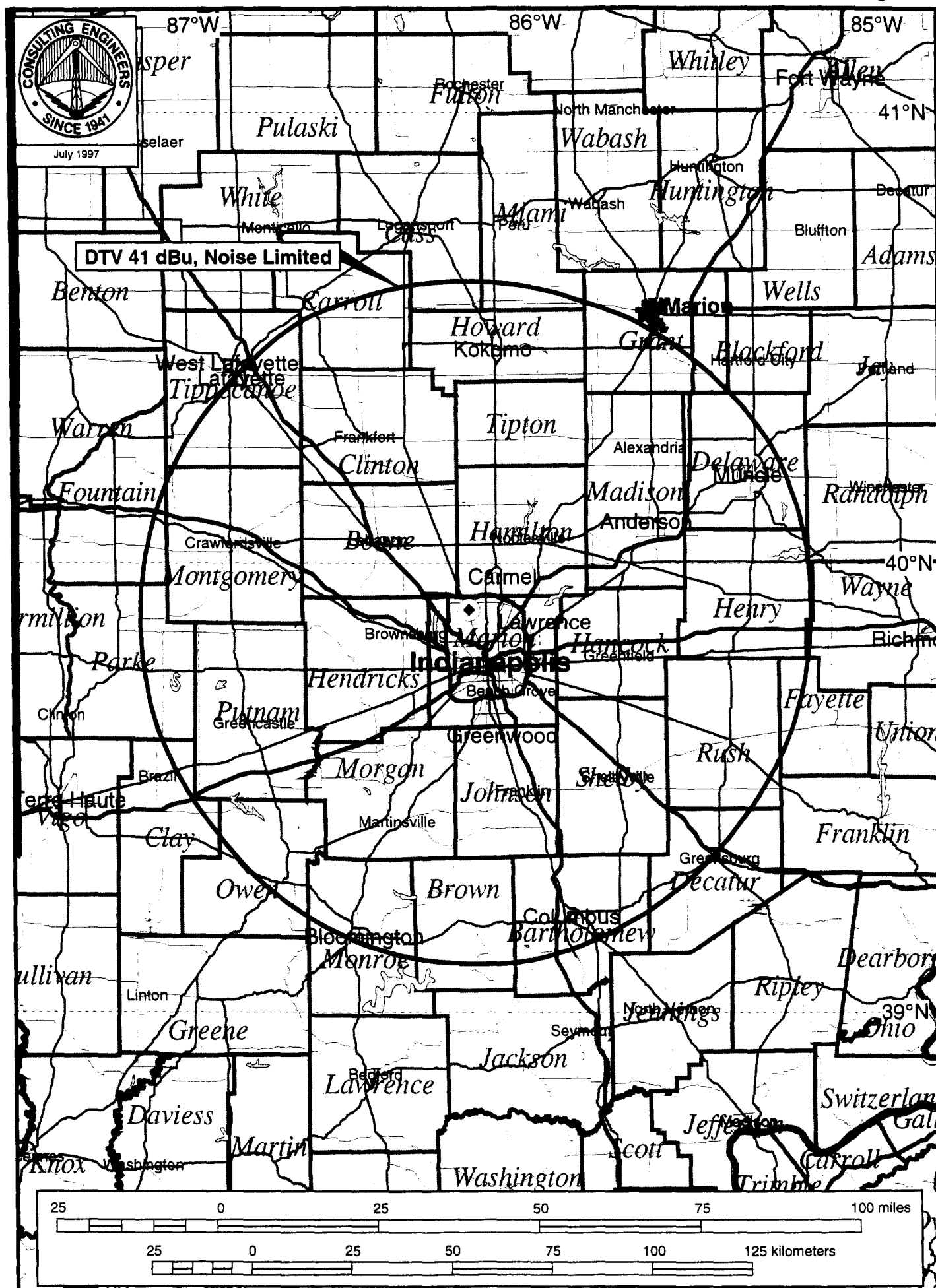


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July 16, 1997

### Figure 1



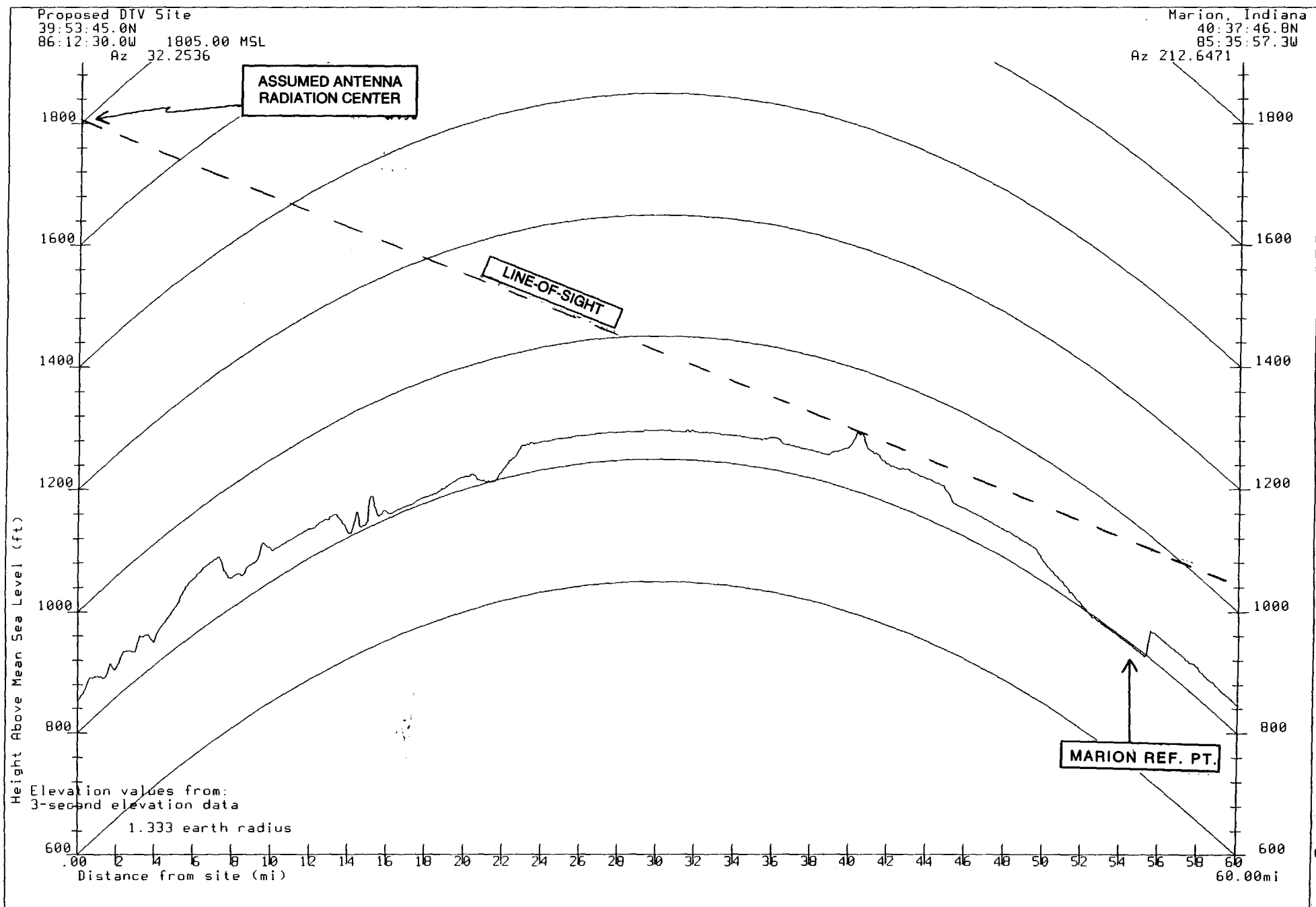


Figure 2

CERTIFICATE OF SERVICE

I, Tami Smith, hereby certify that on this 18th day of July, 1997, I caused a copy of the foregoing Opposition to be served via first class mail, postage prepaid to the following:

John R. Feore, Jr.  
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Tami Smith